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April 14, 2006

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DRAFT RECORD OF DECISION

PROJECT NAME	: Hunters Hill
PROJECT MUNICIPALITY	: Anderson Drive - Dighton
PROJECT WATERSHED	: Taunton River
EOEA NUMBER	: 12950
PROJECT PROPONENT	: Even Par Enterprises, Inc.
DATE NOTICED IN MONITOR	: March 8, 2006

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62H) and Section 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed this project and propose to consider granting a Phase I Waiver (as defined below), allowing the first phase of the project to proceed to the state permitting agencies prior to completion of the Final Environmental Impact Report (FEIR) for the entire project.

Project Description

As described in the Draft Environmental Impact Report (DEIR), the project consists of the construction of a 140-lot single-family residential “conservation subdivision” and a nine-hole golf course. A “conservation subdivision”, which is allowed in Dighton under the Special Permit process, is a residential community in which some of Dighton’s development standards are relaxed in order to preserve open space, protect the natural environment and preserve the natural scenery. The residential subdivision will be deed restricted to individuals 55(+) years old. The golf course will include a clubhouse and a driving range. The proponent has proposed two or more phases. Phase I would include the construction of 34 single family homes and the necessary infrastructure. Phase II and beyond will include the construction of the remaining 106 residential units and the golf course. Two access roadways will be constructed onto Anderson Drive/Miller Lane. The site contains approximately 315 acres of land. The proponent proposes to maintain about 170 acres for passive recreational use with a conservation restriction, 80 acres for the golf course, and the remaining 65 acres would be developed as a residential subdivision.

Phase I will consume approximately 5,610 gallons per day (gpd) of water, and generate about 5,100 gpd of wastewater. The proponent proposes to receive water from the municipal water system. Wastewater would be conveyed via pipes to a subsurface pump chamber. The sewage would be pumped via a force main directly to a temporary common septic system located

in or near the proposed final location of the leaching area for the Private Sewage Treatment Facility (PSTF) that is proposed for Phase II. Once the PSTF is operational, sewage flows from the 34 units in Phase I will be re-routed to the PSTF. Phase I will not impact any wetland resource areas, and it creates about 4.6 acres of impervious area.

Categorical Inclusion

The project is included for the preparation of a mandatory EIR pursuant to Section 11.03(1) (a) (1) and (1) (a) (2) of the MEPA regulations because it alters 50 or more acres of land and creates 10 or more acres of impervious area. The Certificate with the Scope for the EIR was issued on February 21, 2003.

Jurisdiction

The project may require a Water Management Act Permit, a Groundwater Discharge Permit, and a Water Main Extension Permit (filed by the Dighton Water District) from the Department of Environmental Protection (DEP). The project must comply with the U.S. Environmental Protection Agency's National Pollution Discharge Elimination System (NPDES) General Permit for stormwater discharges. On October 14, 2004, an Order of Conditions was received from the Dighton Conservation Commission for work within resource areas and buffer zones. MEPA jurisdiction extends to land alteration, water quality, and wastewater issues that may have significant environmental impacts.

Waiver Request

On February 28, 2006 with the submission of the DEIR, the proponent requested that I grant a waiver to allow Phase I of the project to proceed in advance of completion of the FEIR. As proposed, Phase I consists of the construction of 34 age-restricted single-family homes in Dighton along with the necessary utilities and access.

Criteria for a Phase I Waiver

Section 11.11 of the MEPA Regulations provides that the Secretary may waive any provision or requirement of 301 CMR 11.00 not specifically required by MEPA, and may impose appropriate and relevant conditions or restrictions, provided that the Secretary finds that strict compliance with the provision or requirement would: a) result in undue hardship to the proponent, unless based on delay in compliance by the proponent; and b) not serve to minimize or avoid damage to the environment.

In the case of a partial waiver of a mandatory EIR review threshold that would allow the proponent to proceed to Phase I of the project prior to preparing the FEIR, this finding shall be

based on one or more of the following circumstances: 1) the potential environmental impacts of Phase I are insignificant; 2) ample and unconstrained infrastructure and services exist to support Phase I; 3) the project is severable, such that Phase I does not require the implementation of any other future phases; and 4) the agency action on Phase I will contain conditions that ensure due compliance with MEPA.

Findings

Based upon the information submitted by the proponent and after consultation with the relevant state agencies, I find that:

1. The potential impacts of the project (traffic, water, wastewater, stormwater) for Phase I are insignificant. The proponent will not undertake any additional clearing of vegetation beyond the 23 acres of Phase I.
2. Ample and unconstrained infrastructure exists. The proponent will be supplied with water by the Dighton Water District. Wastewater generated by Phase I will be conveyed via pipes to an individual subsurface pump chambers. The wastewater would be pumped via a force main directly to a temporary common septic system. Anderson Drive/Miller Lane have ample capacity to accommodate the approximately 279 additional daily vehicle trips from Phase I.
3. The project is severable. The proponent is proposing to construct a roadway layout that terminates in a (temporary) cul-de-sac turnaround so that no future phases of the project have to be built. The proposed temporary wastewater system can be retained as the permanent wastewater disposal system for Phase I.
4. The proponent has provided a letter to the Secretary dated April 13, 2006. In this letter, the proponent has committed to complying with the MEPA regulations and submitting the FEIR to the MEPA Office prior to December 31, 2007.

Based on these findings, it is my judgment that the waiver request has merit and meets the tests established in Section 11.11. Therefore, I propose to grant the Phase I waiver requested for this residential development, subject to the above findings. This Draft Record of Decision shall be published in the next issue of the *Environmental Monitor* for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver.

Date

Stephen R. Pritchard

cc: Sharon Stone, DEP/SERO

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SRP/WTG